

REMARKS

Claims 1-41 are pending in the application.

Claims 1-41 have been rejected.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 1-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,681,010 issued to Anderson et al. ("Anderson") in view of U.S. Patent No. 6,704,409 issued to ("Dilip"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Claims 1, 13 and 23: Independent Claims 1, 13 and 23 each contain limitations of substantially the following form:

maintaining real-time data for multi-channel communication queuing,
wherein the maintaining comprises:

forming a list of agent data, wherein the agent data comprises

authorization information, wherein

the authorization information is configured to indicate which of
a plurality of types of communication media an agent is
authorized to access, and

status information regarding a corresponding status of the agent for
each of the types of communication media.

See, e.g., Claim 1. Applicants respectfully submit that neither Anderson nor Dilip, alone or in combination, provides disclosure of all of these claim limitations and, therefore, cannot render the independent claims obvious.

The Office Action relies upon sections of Anderson for providing purported disclosure of “forming a list of agent data.” The independent claims indicate that the “list of agent data” comprises both “authorization information” and “status information.” Applicants respectfully submit that Anderson fails to provide disclosure of a list of agent data that provides both authorization and status information, as claimed.

As purported disclosure of “forming a list of agent data,” the Office Action cites to a section of Anderson that discloses an embodiment of the disclosed system that tracks availability status of agents using (1) a list of “the status of agents ... which are logged onto a telephone switch with automatic call distribution (ACD), wherein the list of status of agents corresponds to the status of the agent with respect to the telephone switch,” and (2) a list of “the status of agents ... which are logged onto a virtual ACD, wherein the list of status of agents corresponds to whether the agent is currently assigned to at least one of a computer task and a telephone task.” *See* Office Action, p.2 (citing Anderson 2:17-29); *see also* Anderson 4:15-19. Applicants note that these are two separate lists, one maintained by the disclosed ACD (*see* Anderson 3:59-64) and the other is maintained by Anderson’s virtual ACD (*see* Anderson 4:15-19). The disclosed status information maintained by these two lists only relates to whether a particular agent is assigned to either a telephone call (the ACD list) or a computer task (the virtual ACD list). Thus, neither of Anderson’s lists provides “status information regarding a corresponding status of the agent for each of the types of communication media,” as required.

As further purported disclosure of “forming a list of agent data,” the Office Action cites to a section of Anderson that provides another embodiment wherein “[a] list of available agents from the plurality of agents is generated and an agent is selected from the list of available agents having agent characteristics that correspond to the characteristics associated with the received request.” See Office Action, p.2 (citing Anderson 2:44-46). Applicants submit that the cited section of Anderson provides no disclosure that this list comprises either the “authorization information” or “status information” required by the claims. Anderson discloses that this “list of available agents” is purportedly generated after receiving a “computer task request ... which has associated with it characteristics which are to be associated with an agent assigned to the requested computer task” (Anderson 2:41-44; *see also* Anderson 6:21-29), and this list is purportedly generated from information related to which agents are available (*see id.*). Therefore, there is no reason for “status information” to be included in such a list, as these agents must already be available for assignment. Further, Anderson provides no disclosure that the “characteristics” associated with agents corresponds to the claimed “authorization information.” See, e.g., Anderson 5:9-15 (providing examples of agent characteristics such as associated telephone devices, skill level, type of skill, TCP/IP address, and e-mail address).

Thus, Applicants respectfully submit that neither section of Anderson cited by the Office Action as disclosure of “forming a list of agent data” actually provides disclosure of a list of agent data as that term is provided in the claims.

As purported disclosure of the claimed “authorization information” included in the claimed “agent data,” the Office Action cites to several passages related to logging onto Anderson’s ACD or virtual ACD. See Office Action, p.2 (citing Anderson 2:6-48,

3:61, 4:66-5:9). Applicants respectfully submit that none of these cited sections provides a “list of agent data, wherein the agent data comprises authorization information, wherein the authorization information is configured to indicate which of a plurality of types of communication media an agent is authorized to access,” as claimed. Applicants respectfully submit that while logging in represents a type of authorization (e.g., to access the ACD or virtual ACD), it does not inherently provide the specifically claimed authorization information (i.e., types of communication media an agent is authorized to access), nor does it provide that such information is in a list of agent data. Further, Anderson provides no disclosure that the cited lists, discussed above, provide for any capacity to store any authorization information related to logging in.

Further, given the disjointed nature of the disclosed logging in with the other cited sections of Anderson, the Office Action gives the impression that it is using the claims of the present Application as a blueprint for piecing together various sections of Anderson’s disclosure to arrive at the claims. Such a hindsight analysis of the disclosure of one or more references has been expressly forbidden by the courts. *See, e.g., Ecolchem, Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 1371 (Fed. Cir. 2000); *Brown & Williamson Tobacco Corp. v. Philip Morris, Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000).

The Office Action admits that Anderson does not provide the claimed “maintaining real-time data for multi-channel communication queuing...,” instead referring to Dilip for such teaching. The Office Action broadly and vaguely cites to Dilip’s Abstract and a portion of the Summary Section for this proposition, without specifying what portions of those sections actually provide disclosure of the claim limitation. *See* Office Action, p.3 (citing Dilip, Abstract and Dilip 2:24-37). Applicants

note that neither section provides any disclosure of queuing. Further, the disclosed “transaction control system” is not disclosed to provide “maintaining real-time data,” as claimed. Applicants have further established in the response to Office Action filed June 16, 2006 that Dilip fails to provide any disclosure of the “forming a list of agent data” limitation, which is integrally related to the “maintaining” limitation of the independent claims. *See* Response to Office Action, pp. 9-13 (June 16, 2006).

Applicants therefore submit that the Office Action does not establish the presence of the above-quoted limitations of independent Claims 1, 13 and 23 in either Anderson or Dilip, alone or in combination. The burden is on the Examiner to support a case of obviousness, including whether the prior art references teach or suggest all of the claim limitations. *See* MPEP 706.02(j).

In addition, Applicants also respectfully submit that the Office Action does not satisfy the burden of factually supporting the alleged motivation to combine the two references. This duty may not be satisfied by engaging in impermissible hindsight; any conclusion of obviousness must be reached on the basis of facts gleaned from the references. This Examiner must therefore provide evidence to suggest the combination and “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” *See In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Further, the Office Action does not establish that such a combination of the teachings of these references would meet with success, as required.

Applicants respectfully submit that the disclosure within Anderson and Dilip is either duplicative or disjoint with one another. Dilip discloses a system in which transactions are assigned a priority, largely based upon the originating communication media, and then assigning transactions to available agents based upon that priority.

Anderson discloses distributing telephonic and computer tasks based upon agent availability and skill set. There is no indication within Anderson of a desirability of having a prioritization system such as that provided by Dilip. In addition, Dilip's "transaction control system" performs duplicative tasks to those of Anderson's virtual ACD. Thus, a person of ordinary skill in the art would not be motivated to combine the two references.

Further, in light of the discussion above with regard to the lack of disclosure of the limitations of the claims in Anderson and the discussion with regard to Dilip in the June 16, 2006 Response to Office Action, there is no reason to expect that the combination of the references would result in a successful implementation of the claimed invention.

For at least these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of independent Claims 1, 13 and 23, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims, and an indication of allowability of same.

Claims 4-6: The Office Action suggests that Dilip discloses compiling statistics for at least one of the listed items described in dependent Claims 4-6. Applicants respectfully traverse this rejection for at least the following reasons:

- Applicants respectfully submit that the Office Action makes no distinction between the claimed statistics for "the media routes," "a communication channel," and "the agent" in each of these dependent claims. This contrary to the clear meaning of the different claim language in the claims.

- As discussed in the June 16, 2006 Response to Office Action, the term “route” has a specific meaning within the context of the present application, which is also not met in Dilip.
- The Office Action also provides only a citation purportedly related to “compiling statistics for the (media route/communication channel/agent) including...handling time during a period.” See Office Action, p.3 (citing Dilip 11:58-60). The cited section provides only for estimating time that a transaction remains in a queue. This does not disclose the claimed “compiling of statistics.”
- Claim 6, which is not dependent upon either Claims 4 or 5, does not include “handling time during a period,” and therefore the Office Action provides no support for the rejection of this claim, as required.

For at least these reasons, Applicants respectfully submit that neither Anderson nor Dilip, alone or in combination, render dependent Claims 4-6 obvious and that they are in condition for allowance. Applicants therefore request the Examiner’s reconsideration and withdrawal of the rejections to those claims.

Claims 7, 19 and 29: Dependent Claims 7, 19 and 29 require “compiling a journal for a work item....” The cited disclosure of Dilip provides the following:

A telephone server 56 is coupled to PSTN 42, transaction controller 44 and LAN 48. Since telephone server 56 is coupled to PSTN 42, it capable of directly receiving an initiating telephone calls across PSTN 42. Other servers, including a fax server 58, a voice mail server 60, an e-mail server 62, a web server 64, and a video server 66 are also coupled to transaction controller 44 and LAN 48. These six servers 56-66 represent the six different types of transactions supported by the transaction processing environment shown in Fig. 2.

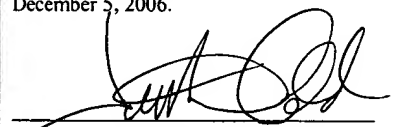
Dilip 6:49:58. Applicants respectfully that the above quoted section provides no disclosure of compilation of a journal as required by the dependent claims. For these

reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of dependent Claims 7, 19 and 29, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration and withdrawal of the rejections to those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on December 5, 2006.

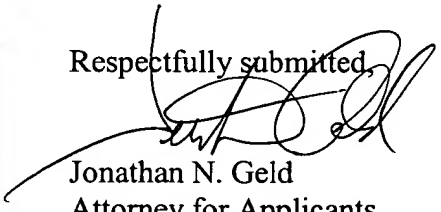


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12/5/2006

Date of Signature

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